

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JEFFREY SMITH,
PLAINTIFF

V.

NO.04-12447-RCL

CHARLIE'S PLACE, INC.,
DEFENDANT

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)

Now comes the plaintiff and respectfully submits his proposed Joint Statement.

The plaintiff is unable to access the defendant's premises and alleges that the property is in violation of the Americans with Disabilities Act. The plaintiff asserts that the defendant has made no effort to comply with the ADA since its inception. There is no accessible entrance to the property, no accessible bathrooms, and no parking that complies with the ADA. The defendant insists that curbside take-out is an acceptable alternative to the ADA yet now moves the Court for an eight month stay of this case. The plaintiff is seeking injunctive relief, attorney's fees and costs.

Joint Discovery-The plaintiff believes that phased discovery is not appropriate and proposes that all discovery be completed by January 30, 2006. All expert discovery will occur during this time. The plaintiff proposes that the plaintiff may conduct a Rule 34(a)(2) inspection of the public portion of the premises prior to August 30, 2005.

Proposed Schedule of Events, Motions, and Deadlines

The plaintiff will serve his initial disclosures within thirty days of the Initial Scheduling Conference. Any motions under Fed. R. Civ.P. 13 or 14 must be filed within sixty days of

the Initial Scheduling Conference.

Plaintiff's expert disclosure including reports and opinions shall be provided to the defendant no later than October 1, 2005. Defendant shall make expert disclosure including reports and opinions no later than December 1, 2005.

All motions under Fed. R. Civ. P. 56, to be filed by February 1, 2006. Opposition filed 21 days thereafter.

The plaintiff will be ready for trial in March, 2006.

Plaintiff's Certifications pursuant to Local Rule 16.1(D) is submitted herewith.

Respectfully submitted,

Jeffrey Smith



**By his Attorney,
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